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| 10/083,823 | 02/27/2002 | David Hanson | 10018734-1 | 6189 |

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| EXAMINER | |
|---|---|
| DANIELS, ANTHONY J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2622 | |

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/083,823 | HANSON, DAVID | |
| | Examiner | Art Unit | |
| | Anthony J. Daniels | 2622 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2,4-7,9-11,13,14,16-32,34 and 35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-32 and 34* is/are allowed.

6)☒ Claim(s) *2,4-6,9,10,13,14,17-20 and 35* is/are rejected.

7)☒ Claim(s) *7,11 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. The amendment, filed 8/8/2006, has been entered and made of record. Claims 2,4-7,9-11,13,14,16-32,34 and 35 are pending in the application.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 6,10 and 14 and the Sugimoto in view of Hirasawa rejection have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 6 and 14 recite, "...a status control device...to manually move said status information vertically and/or horizontally to substantially any position within said camera-back display..." The specification does not support moving the status information only vertically or only horizontally to substantially any position within said camera-back display. The specification

supports vertical and horizontal movement to substantially any position within said camera-back display. The "and/***or***" language is not supported by the specification. The examiner suggests changing "and/or" to just "and".

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2,4-6,13,14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 2002/0030754) in view of Gershony et al. (US # 6,549,218).

Claims 6 and 14 will be discussed first.

As to claim **6**, Sugimoto teaches an image capturing device (Figures 1,3 and 4), comprising: a main body (Figure 1); a camera-back display located on a back region of said main body (Figure 3, LCD monitor "28") and adapted to display a captured image in a display area (Figure 5); and a status display provided within said display area of said camera-back display (Figure 5) and adapted to display status information of said image capturing device (Figure 5, four menu items "82"; *{Sugimoto terms the items as menu items, but these items also display a status.}*); and a status display control device located on said back region (Figure 3, cross button "32", menu/execute button "46", and cancel/return button "44") that controls a position of said status display within said camera-back display ([0050], Lines 1-4). The claim differs from

Sugimoto in that it further requires that the menu items be manually movable by a user vertically and/or horizontally to substantially any position within said camera-back display.

Gershony et al. teaches a graphical device interface utilized in "MICROSOFT® WINDOWS®", wherein when multiple windows exist on a display screen, one window may be dragged and dropped on the display (Col. 6, Lines 14-60). In light of the teaching of Gershony et al., it would have been obvious to one of ordinary skill in the art to include the ability to drag and drop the status menus in the system of Sugimoto, because an artisan of ordinary skill in the art would recognize that this would allow the ability to uncover parts of the image on the screen when they are being obscured by the menu items (see Gershony et al., Col. 6, Lines 29-32 and Lines 36-38).

As to claim **14**, Sugimoto teaches a status information display method for an image capturing device (Figure 5), comprising the steps of: providing a camera-back display located on a back region of a main body of said image capturing device (Figure 3, LCD monitor "28"); providing a movable status display within said camera-back display (Figure 5, [0050], Lines 1-4); and providing a status display control device that controls a position of said status display within said camera-back display ([0050], Lines 1-4); wherein said status display displays one or more status information items relating to operational parameters of said device (Figure 5, menu items "82"). The claim differs from Sugimoto in that it further requires that the menu items be manually movable by a user vertically and/or horizontally to substantially any position within said camera-back display.

Gershony et al. teaches a graphical device interface utilized in "MICROSOFT® WINDOWS®", wherein when multiple windows exist on a display screen, one window may be

dragged and dropped on the display (Col. 6, Lines 14-60). In light of the teaching of Gershony et al., it would have been obvious to one of ordinary skill in the art to include the ability to drag and drop the status menus in the system of Sugimoto, because an artisan of ordinary skill in the art would recognize that this would allow the ability to uncover parts of the image on the screen when they are being obscured by the menu items (see Gershony et al., Col. 6, Lines 29-32 and Lines 36-38).

As to claim **2**, Sugimoto, as modified by Gershony et al., teaches the image capturing device of claim 6, wherein said status display comprises a picture-in-picture display within said camera-back display (see Sugimoto, Figure 5).

As to claim **4**, Sugimoto, as modified by Gershony et al., teaches the image capturing device of claim 6, further comprising a status display control device located on said back region (see Sugimoto, Figure 3, cross button "32", menu/execute button "46", and cancel/return button "44") that controls a size of said status display within said camera-back display (see Sugimoto, Figure 5; [0051], Lines 1,2, "...popped up...").

As to claim **5**, Sugimoto, as modified by Gershony et al., teaches the image capturing device of claim 6, further comprising a status display control device located on said back region that enables and disables said status display (see Sugimoto, Figure 3, menu/execute button "46", cancel/execute button "44").

As to claim **13**, Sugimoto, as modified by Gershony et al., teaches the method of claim 14, wherein said status display displays said one or more status information items within said camera-back display in a picture-in-picture format (see Sugimoto, Figure 5).

As to claim **17**, Sugimoto, as modified by Gershony et al., teaches the method of claim 14, wherein said status display displays a flash mode status information (see Sugimoto, [0050], Lines 4-9, "...electric flash...").

5. Claims 9,10 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 2002/0180802) in view of Ohki (US 2002/0001032) and further in view of Sugimoto (US 2002/0030754).

Claim 10 will be discussed first.

As to claim **10**, Ogawa et al. teaches a device (Figure 1), comprising: a display located on a back region of a main body of said device (Figure 5, display "25") for displaying menu information (Figure 5, display menu "29"); a menu display control device capable of accepting user inputs (Figure 5, scrolling switches "28") and enabling a user of the device to manually move the menu information vertically and/or horizontally within said display (Figure 3 and Figure 4), where said control device is an electro-mechanical switch located on said back region (Figure 5); a memory including a menu information storage area comprising one or more menu information items of said device (Figure 6, [0079]), and a picture-in-picture routine capable of generating said menu (Figure 5); and a processor communicating with said display, said menu display control device, and said memory (Figure 1, CPU "10"), and wherein said processor receives said user inputs and generates said display (Figure 1, "31" connected to "10"). The claim differs from Ogawa et al. in that it further requires that said device be a camera and that the menu also display status information about the camera.

In the same field of endeavor, Ohki teaches a mobile unit with a digital camera adapter provided therewith (Figure 1). The unit comprising a display for displaying map information about a region at which an image is captured (Figure 7; [0064]). The mobile unit further comprises an input device allowing a user to scroll on the screen to move the move the image (map) in a certain direction [0055] and [0056]). In light of the teaching of Ohki, it would have been obvious to include the digital camera adapter in the mobile unit of Ohki, because an artisan of ordinary skill in the art would recognize that this would allow for remarkably expand the application of the image data which has been produced (see Ohki, [0005], Lines 1-8).

In the same field of endeavor, Sugimoto teaches a digital camera comprising a display that displays status information about the digital camera. The information is overlaid on an image in picture-in-picture style (Figure 5, menu items "82"). In light of the teaching of Sugimoto, it would have been obvious to one of ordinary skill in the art to include the status items in the display of Ogawa et al., as modified by Ohki, because an artisan of ordinary skill in the art would recognize that this would ensure correct settings for image capture.

As to claim **9**, Ogawa et al., as modified by Ohki and Sugimoto, teaches the image capturing device of claim 10, wherein said memory further includes a user-settable display enable variable that enables and disables said status display (see Ogawa et al., [0078], Lines 12-16).

As to claim **35**, Ogawa et al., as modified by Ohki and Sugimoto, teaches the image capturing device of claim 10. Although it is not stated specifically in Ogawa et al., **Official Notice** is taken that four-way rocker switches are well-known and expected in the art. One of ordinary skill would have been motivated to use one as scrolling switch in Ogawa et al., because

an artisan of ordinary skill in the art would recognize that rocker switches provide an effective, user friendly way to control operation on a display.

6. Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 2002/0030754) in view of Gershony et al. (US # 6,549,218) and further in view of Niikawa et al. (US 2002/0171747).

As to claims **19** and **20**, Sugimoto, as modified by Gershony et al., teaches the method of claim 14. The claims differ from Sugimoto, as modified by Gershony et al. (US # 6,549,218), in that they further require that the menu items include an image resolution status information, and a number of captured images.

In the same field of endeavor, Niikawa teaches a digital camera with a camera-back display that displays a status list showing an image resolution status information (see Niikawa et al., Figure 8, Resolution: 1600x1200), and a number of captured images (see Niikawa et al., Figure 8; *{Number of images remaining displays indirectly how many were taken.}*) on the same display screen as a captured image (Figure 8). In light of the teaching of Niikawa et al., it would have been obvious to one of ordinary skill in the art to display the number of frames remaining and the image resolution status on the menu item screen of Sugimoto, because an artisan would recognize that this would allow the user to be aware of vital, current camera conditions before capturing without the use of a separate LCD panel, thereby increasing the efficiency of the camera.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 2002/0030754) in view of Gershony et al. (US # 6,549,218) and further in view of Arai et al. (US # 5,570,156).

As to claim **18**, Sugimoto, as modified by Gershony et al., teaches the method of claim 14. The claim differs from Sugimoto, as modified by Gershony et al. (US # 6,549,218), in that it further requires that said menu items display a battery status information.

In the same field of endeavor, Arai et al. teaches a digital camera with an electronic viewfinder display that displays battery status information on the same display screen as a captured image (Figure 15A). In light of the teaching of Arai et al., it would have been obvious to one of ordinary skill in the art to display the number of frames remaining, the battery status, and the image resolution status on the menu item screen of Sugimoto, because an artisan would recognize that this would allow the user to be aware of vital, current camera conditions before capturing without the use of a separate LCD panel, thereby increasing the efficiency of the camera.

***Allowable Subject Matter***

8. Claims 21-32 and 34 are allowed. The reasons for allowance can be found in the Office Action dated 3/11/2005.

9. Claims 7,11,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims. The reasons for allowance can be found in the Office Action dated 3/11/2005.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD
10/19/2006

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER